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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
DAVID WALKER)
 -VS-) No. 04-0394
PEOPLES GAS, LIGHT)
AND COKE COMPANY)
)
Complaint as to billing)
and charges in Chicago,)
Illinois.)

Chicago, Illinois

November 9, 2004

Met, pursuant to adjournment, at 10 a.m.

BEFORE :

MR. JOHN RILEY,
Administrative Law Judge

APPEARANCES:

MR. DAVID WALKER
5701 South Wolcott
Chicago, Illinois
appearing pro se;

1 APPEARANCES (Cont'd.):

2 McGUIREWOODS, by

MR. ERIN ZIAJA

3 77 West Wacker

Chicago, Illinois

4 appearing for Peoples Gas, Light and
Coke Company.

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2 .

3 JUDGE RILEY: Let's go on the record.

4 Pursuant to the direction of the Illinois

5 Commerce Commission, I now call Docket 04-0394.

6 This is a complaint by David Walker vs. Peoples Gas,

7 Light and Coke Company, complaint as to billing

8 charges in Chicago, Illinois.

9 Mr. Walker, you are proceeding without

10 an attorney this morning; is that correct?

11 MR. WALKER: That's correct.

12 JUDGE RILEY: Please speak up so --

13 MR. WALKER: Yes.

14 JUDGE RILEY: -- the court reporter will be able

15 to hear.

16 And would you state your name and your

17 address for the record, please.

18 MR. WALKER: My name is David -- last name is --

19 Walker. Address is 5701 South Wolcott, State of

20 Illinois, City of Chicago, 60636.

21 JUDGE RILEY: And counsel for Peoples Gas.

22 MS. ZIAJA: Erin Ziaja, Z-i-a-j-a, with

1 McGuireWoods, 77 West Wacker Drive in Chicago;
2 312-849-8100.

3 JUDGE RILEY: Thank you.

4 And at this session today we are going
5 to conduct a hearing, the evidentiary portion of the
6 hearing, in Mr. Walker's complaint.

7 Mr. Walker, have you brought evidence
8 or witnesses to support your --

9 MR. WALKER: No. I have brought an Illinois
10 Commerce Commission hearing, sir. All I have is
11 like interrogatory material that show forth that
12 what I was saying was correct, sir.

13 JUDGE RILEY: What I want to do, first of all, to
14 put you under oath and then have you explain in the
15 clearest terms possible just what it is your
16 complaint is about.

17 (Witness sworn.)

18 Okay. Please proceed. What is it
19 that you are complaining about? What did Peoples
20 Gas do?

21 OPENING STATEMENT

22 BY

1 MR. WALKER:

2 They were charging me certain billing
3 that was submitted to me for services for the month,
4 sir.

5 JUDGE RILEY: When did you first -- are you
6 alleging that you were overcharged?

7 MR. WALKER: Yes.

8 JUDGE RILEY: You were charged too much for those
9 services?

10 MR. WALKER: Yes, for that. When that time
11 frame, yes.

12 JUDGE RILEY: What time frame are you talking
13 about?

14 MR. WALKER: We'll say a month's time frame or a
15 little two months time frame.

16 JUDGE RILEY: What I need to know what is the
17 specific months and years are you talking about?

18 MR. WALKER: Time frame, February 2002.

19 JUDGE RILEY: February of '02?

20 Now these documents that you are
21 arranging are these bills from Peoples Gas?

22 MR. WALKER: Yes, they are, sir.

1 JUDGE RILEY: And do they begin in February of
2 2002?

3 MR. WALKER: It completes the whole year, sir.
4 These statements that was interrogatories, sir, that
5 showed the year of 2002 up to the present moment,
6 2003, and as you have in her records of 2004, 2004
7 that was in one of the interrogatories that was
8 requested in July.

9 JUDGE RILEY: This is for the Calendar Year 2002?

10 MR. WALKER: Yes.

11 JUDGE RILEY: These are bills that you received
12 from Peoples Gas?

13 MR. WALKER: Yes, they are, sir.

14 JUDGE RILEY: Now did you save these or how did
15 you obtain these?

16 MR. WALKER: I have service with Peoples Gas.

17 JUDGE RILEY: I understand that. These are bills
18 that were sent to you --

19 MR. WALKER: Yes.

20 JUDGE RILEY: -- and you retained these copies?

21 MR. WALKER: No, these are bills that I have and
22 my personal bills that I have for Peoples Gas for

1 services, sir.

2 JUDGE RILEY: Okay. It doesn't answer my
3 question. These particular pieces of paper how did
4 you obtain these pieces? Were these sent to you by
5 Peoples Gas?

6 MR. WALKER: Yes, they were.

7 JUDGE RILEY: They are dated January 3, 2002 and
8 there's one for each month.

9 MR. WALKER: You can put your glasses on, focus
10 on the --

11 JUDGE RILEY: That's not a -- there's not a
12 question of that. I want to sort these out by
13 account number, because of some of these have
14 different account numbers.

15 MR. WALKER: All those at that address, there's
16 somebody changed accounts or had been an error in
17 the accounting. See, all should be on one account.
18 I brought that to Peoples Gas' attention once or
19 twice and they made the corrections, but they did
20 not make corrections on the total amount that was
21 charged for those services.

22 JUDGE RILEY: All right.

1 MR. WALKER: You see a small print that it would
2 let you know the account numbers at the top at the
3 heading of it.

4 JUDGE RILEY: Right. Now looking at the first
5 five bills for the Calendar Year 2002, they range
6 from the date January 3, 2002 through June 3, 2003
7 all for the same account number, and they're all in
8 the name of David J. Walker --

9 MR. WALKER: That's correct.

10 JUDGE RILEY: That is you?

11 MR. WALKER: That's right.

12 JUDGE RILEY: -- at 5701 South Wolcott Avenue,
13 and it says FL1 front. Now that's the front
14 apartment on the first floor?

15 MR. WALKER: It's a house with two units.

16 JUDGE RILEY: And this is for the front?

17 MR. WALKER: Yes, it is.

18 JUDGE RILEY: That's the portion you occupy?

19 THE WITNESS: That's right.

20 MS. ZIAJA: Your Honor, as an initial matter, I
21 would object to delving into the bills that are
22 dated prior to May 2002 given the fact that the

1 statute of limitation would have run. Mr. Walker
2 filed his complaint on May 8th of 2004.

3 JUDGE RILEY: Okay. Hold on. I'll get back to
4 you in a second.

5 Let the record reflect that there is no
6 bill for May. Excuse me?

7 MR. WALKER: All bills should be there.

8 JUDGE RILEY: Hold on. All right. Mr. Walker,
9 we have an objection to anything prior to the date
10 that you filed this complaint.

11 MS. ZIAJA: I would first question what his --
12 what the purpose of submitting those bills are
13 before I raise just a general objection because --

14 JUDGE RILEY: All right. Let me ask the
15 questions then.

16 EXAMINATION

17 BY

18 JUDGE RILEY:

19 Q. Mr. Walker, with regard to these first five
20 bills here for Account No. 9-5000-1801-4101 --

21 A. That's correct.

22 Q. -- your name, David J. Walker, at the 5701

1 South Wolcott address --

2 A. That is correct.

3 Q. -- what are you complaining about on these
4 bills here?

5 A. I was overcharged services. Sir, you can
6 see it yourself. If you see here at the beginning
7 of the year, it shows a difference of payment that I
8 was making here -- prior payments I was making
9 here --

10 Q. You said --

11 A. -- beginning here as the amount payment --
12 eighth payment here.

13 Q. You are pointing to the amount of \$703.15?

14 A. Following month, and then you have a
15 following month beyond that.

16 Q. Oh, hold on. One at a time. The following
17 month -- the first month you are speaking of is
18 January 3, 2002 and there's amount due of \$703.15?

19 A. That's correct.

20 Q. The following month the bill is dated
21 February 4, 2002 and the amount due is \$628.15?

22 A. That's correct.

1 Q. All right. What's the third bill that you
2 are pointing to here? This the date March 6, 2002
3 and amount due is \$476.91?

4 A. That's correct.

5 Q. And the next bill is dated April 3, 2002 for
6 the same account number, and the amount due is
7 \$483.79. That's almost -- that's virtually the
8 same.

9 A. Okay.

10 Q. Now you are pointing to yet another bill and
11 we skipped to June 3, 2002 for the same account and
12 amount --

13 A. It shows the dates here, charges, and then
14 it runs here to the date here.

15 Q. That's a payment due date.

16 A. Payment due date.

17 Q. Let's go with the bill date. The payment
18 due date doesn't speak to anything, but the bill
19 date is June 2, 2002, and the amount due was down
20 \$334.38?

21 A. That is correct.

22 Q. What is your complaint?

1 A. Well, now as we go beyond this one here of
2 June, the statements there, right in those
3 statements there.

4 Q. All right. Now I note that we have the
5 additional statements that we have that begin with
6 July, August, September, October, the account number
7 has changed.

8 A. Yes. During that time, your Honor --

9 Q. Let me back track here. There is a bill
10 dated May 1, 2002 with a different account number
11 but has your name. It has the name occupant at the
12 same address. --

13 A. Yes.

14 Q. -- and the amount due has increased to
15 \$796.98.

16 A. That's correct.

17 Q. Do you have any idea why this account number
18 changed?

19 A. Well, we were all notified of a new account
20 number during the change for what they call a
21 system --

22 Q. System change?

1 A. -- system change to new account.

2 We were all notified by Peoples Gas.

3 They were going through certain changes, some kind
4 of generation (sic) with their system, sir, and
5 generate new bills, bill numbers, account numbers,
6 so when this number was expired here, the change of
7 a new account number, it should be this number here
8 (indicating). Let me see if that is the correct
9 number.

10 (A brief pause.)

11 That is the correct account number
12 here.

13 Q. 9-5000-2958-6293.

14 A. That's the account number there. During
15 that transaction was somewhere along the line they
16 sent me a statement that was way beyond services
17 that I normally use per month, sir, that did not
18 accumulate; in other words, somebody else was trying
19 to use the services, that I'm not sure. I can't
20 explain. That's what I experienced. I received a
21 different account number. It should be noticed in
22 here.

1 Q. What I need to know is that the original
2 account number that we spoke of 9-5000-1801-4101 --

3 A. Was changed to this present account number
4 here.

5 Q. Now hold on, because it didn't change
6 directly. What you have are two intervening bills,
7 one dated May 1, 2002 for Account No.
8 9-5000-2860-3361?

9 MR. WALKER: I'm --

10 JUDGE RILEY: Q. I'm sorry.

11 A. Let me see the account.

12 Q. These two right here, this is --

13 A. This is not my account. This is not my
14 account.

15 Q. This was I thought the substance of your
16 complaint.

17 A. This is not my account. My complaint that
18 was of charges the service there, sir. You see it
19 was a hundred-and-some-dollars or \$200 difference in
20 service there.

21 Q. It's about \$400 difference in services.

22 A. Now over a period of time, that accumulated

1 with overcharges, sir.

2 Q. All right. I don't know if there's going to
3 to be an explanation here forthcoming from Peoples
4 Gas when they put their case on, but what I can
5 see -- what I'm making out that you are complaining
6 about is that you had a decrease in your bills going
7 along regularly --

8 A. That's correct.

9 Q. -- from January 2002?

10 A. To the present moment now today --

11 Q. What I'm looking --

12 A. -- for this year -- for this year, because I
13 have paid the whole amount. This accumulated.

14 Q. So I understand, but it was decreasing if
15 you look at these numbers.

16 A. Yes, decreasing because I was paying on
17 that.

18 Q. But for some reason there was -- that's what
19 I can only determine is an intervening account
20 number here for May and June of 2002 that's
21 addressed to occupant at your address --

22 A. That's correct.

1 Q. -- and sums of money due, you have increased
2 dramatically.

3 A. Yes, that's what I was saying. I brought it
4 to the Illinois Commerce Commission for when I first
5 experienced this incident, sir.

6 Q. The subsequent bills that you received under
7 this new account number that you acknowledge was
8 that you say was changed with your name again on the
9 bill.

10 A. Yes, that's the new number.

11 Q. And the amount due are substantially higher?

12 A. Yes, with no adjustment made in that area.
13 I contacted the Peoples Gas Energy and brought it to
14 their attention and talked with customer service and
15 asked what was the purpose of that and brought to
16 them again with the purpose of them making a change
17 to my account number to another account.

18 Now I'm not the only experienced that
19 generation of account numbers with their services.
20 Now anyone else -- not only me, but everyone
21 experienced they have service with Peoples Gas.

22 Q. Okay. Now this takes care of the year

1 Calendar Year 2002.

2 A. That's correct.

3 Q. Do you -- are you complaining about
4 subsequent billing in 2003 and 2004?

5 A. Well, those bills carry on into 2003 and
6 2004, sir, from the accumulation of overcharges,
7 sir. It's accumulation of -- most of the time I was
8 on budget, sir. If it wasn't for this incident
9 here, this balance would be down to about three or
10 maybe a hundred dollars, sir, and they went up
11 before the winter sets in. I normally would pay the
12 account -- very nearly pay the account up, too, sir.

13 This incident here to the ICC that was
14 concerning about the matter here, sir, and that way
15 they can talk with the Peoples Energy/Peoples Gas
16 personnel and see if the result, not only that I
17 wrote to the CEO here on this incident, sir, and
18 also I talked with the Citizens Utility Board that's
19 for to bring forth another hearing.

20 JUDGE RILEY: I'm going to strike all that.
21 That's irrelevant.

22 THE WITNESS: This is all facts that's leading

1 right into the overcharges and what they're saying
2 being of service overcharges here. These what leads
3 into that.

4 JUDGE RILEY: Q. No, I understand that that is
5 where the overcharge -- you perceive these
6 overcharges stem from --

7 A. Yes.

8 Q. -- were these bills here, and these are
9 carried on through 2003 and 2004.

10 A. That was my first purpose for contacting the
11 Illinois Commerce Commission for those reasons.

12 Q. I understand that.

13 A. Something is out of the ordinary in the
14 bills, sir. I have had to contact Peoples and bring
15 it to their attention. Something is out of the
16 ordinary any time my service I would contact them
17 and make it clear --

18 Q. Who did you contact with regard to these
19 bills?

20 A. The ICC.

21 Q. Did you ever contact Peoples Gas?

22 A. I contacted Peoples Gas before ICC. It's

1 natural to contact --

2 Q. Do you remember approximately when you
3 contacted Peoples Gas?

4 A. Within that time frame, this is taking
5 place, sir.

6 Q. Sometimes around June of 2002?

7 A. That's correct. As a matter of fact, I have
8 here a statement, sir, that I contacted the first --
9 I first contacted -- when I first contacted the
10 Peoples Gas here --

11 Q. That's a copy of your complaint?

12 A. -- and this was -- yes, here's a list of
13 dates.

14 Q. No, I already have that. I have seen that.

15 A. You have that. This is a list of dates.

16 Q. It's not a question of whether or not you
17 contacted the Illinois Commerce Commission.

18 What did Peoples Gas do when you
19 contacted them?

20 A. They didn't make no progress in the changes.

21 Q. Did they send anyone out to read your meter?

22 A. Well, when they come out, I'm always there.

1 What date I received the phone call -- they would
2 call you by phone, notify the person that occupied
3 that place and let them in and let them do the
4 immediate reading of the meter and go from there,
5 and I explained -- talked with them from time to
6 time and talked with personnel about the -- when to
7 change the account then, and the next time I see
8 another bill -- two bills beyond that and noticed
9 that the account has been changed, and plus I've
10 been charged over the amount I normally use per
11 month.

12 See, at this present time I don't use
13 this much gas per month. My use would be maybe 40,
14 or to \$60, or maybe less than that, because I don't
15 have a washer or dryer, sir.

16 Q. I understand.

17 A. Lot of times I don't turn my heat off until
18 like about winter months when heats on. My heat's
19 not on, we don't have service.

20 Q. Let's go into some of the details about
21 where you live. Then you say you don't have a gas
22 dryer?

1 A. No. No, gas dryer.

2 Q. Do you have a gas stove?

3 A. Yes. I have a stove, yes.

4 Q. Do you have any kind of -- is it a
5 gas-heated unit?

6 A. Yes, it is. We do have one. We have gas
7 heat. See, if I said washer and dryer, then I won't
8 dispute those charges.

9 Q. Do you have any other gas appliances in your
10 unit?

11 A. Oh, no, no, just gas for cooking and
12 heating, and winter months are very efficient for
13 use of gas.

14 Q. Do you put up any kind of insulation around
15 the windows?

16 A. They had insulation once before. It's
17 insulated windows, yes, windows insulated.

18 Q. Where do you generally -- is your heat
19 controlled by a thermostat?

20 A. Yes, it is.

21 Q. Where did you generally set the thermostat
22 during winter months?

1 A. Mine is -- was near the front, plus near the
2 kitchen.

3 Q. I understand. What about that temperature?
4 Do you keep the temperature --

5 A. My one about 70 degrees, sometimes 69, 70
6 degrees, sometimes zero degree weather. It goes up
7 to about 75 to 80 degrees then turn it back down
8 when the house gets warm.

9 Q. Now do you have any knowledge that any part
10 of the unit that you live in has any kind of cracks
11 or leaks at all around the windows or baseboards?

12 A. They have done some work around there since
13 then and before then.

14 Q. So it --

15 A. No broken windows or nothing like that.

16 Q. Do you have any idea if -- I get the
17 impression from the unit that you live in the
18 second unit behind you?

19 A. Yes, it is.

20 Q. And you don't have any control over that
21 unit?

22 A. No, that's a different unit.

1 Q. Is that separately controlled by heat and z
2 separate thermostat?

3 A. Separate thermostat, separate unit, too.

4 Q. Okay. It's heated separately and have a
5 separate control?

6 A. That's correct.

7 JUDGE RILEY: Counsel, do you still have an
8 objection to anything prior to May?

9 MS. ZIAJA: No. I think those records are
10 needed.

11 JUDGE RILEY: That was what I was going to say.
12 There's continuity here. That explains the whole
13 thing.

14 MS. ZIAJA: Right.

15 JUDGE RILEY: This is what I want to get at.

16 JUDGE RILEY: Q. Going back to these documents
17 for June, there were two what I'm going to term, for
18 lack of a better term, rogue account numbers. You
19 have these handwriting notations on the top of
20 yours.

21 A. Yes, they are.

22 JUDGE RILEY: Let the record reflect that these

1 notations say account change.

2 JUDGE RILEY: Q. Account change without notice
3 is what you are saying?

4 A. That's correct, sir.

5 Q. There is 9-5000-2860-3361, billing date May
6 1, 2002 and June 3, 2002. May 1 amount due is
7 796.98, the June 3 it's 875.81, and these are
8 significant increases from your prior bill.

9 A. That's correct.

10 Q. I should say from your bill prior April
11 which had a different account number
12 9-5000-1801-4101, and the amount due is only 48379.

13 I will also note that on the two, what
14 I have termed "rogue" account numbers, your name
15 does not appear. It just reads occupant --

16 A. Yes.

17 Q. -- but it's the same address.

18 A. Well, sir, I experienced fraudulent -- I
19 understand that somebody using fraudulently, so I
20 don't know what issues would be if they went into
21 certain companies or certain -- I can't say that
22 because I had no support information to that, sir.

1 Q. My question is with regard to these two
2 specifically, these two bills --

3 A. These bills --

4 Q. Let me ask the question. Did you contact
5 Peoples Gas with regard to these two bills?

6 A. Yes, I contacted Peoples Gas.

7 Q. What did they say?

8 A. Well, all they did was talk for a few
9 minutes, and I didn't -- I did get a good
10 understanding of -- with them. They say they would
11 look into it.

12 Q. Did you ever get an answer as to why you
13 received these bills for this account number and
14 without your name on it?

15 A. No. I didn't get any full explanation of
16 that, sir, and I brought it to the attention some
17 type of error, only difference that they did not
18 make was the adjustment in the total cost, sir, they
19 called total year's use of service, or just be a
20 technical issue that happened during the time of
21 generation of bills, change of bills. If you change
22 your account, they would be notified to give a new

1 system, give an accurate account or accurate bill of
2 the account.

3 Q. Do you live with anyone?

4 A. No. I'm a bachelor, sir. I'm a bachelor.

5 Q. You are single and you live alone?

6 A. Yes. I have relatives that come -- well,
7 you know, family that comes in from time to time,
8 during the activity of this billing cycle here, sir,
9 stayed next to me, but now they moved to another
10 location.

11 Q. Going back again to those two bills that was
12 for -- what is it -- May 2 and June 3 -- I'm
13 sorry -- May 1 and June 3. For the account number
14 ending in 3361, did Peoples Gas send anyone out to
15 read a meter?

16 A. Well, I requested for that by phone once I
17 requested for them to coming out and double check
18 that, but as of that time time, they would be
19 voluntary within their system to call and alert the
20 customer if they would be out meter reading because
21 -- see, because my meter was in the basement at the
22 time and they come and inspected that.

1 Now they have a new system. Now they
2 just drive by and check it on the meter reader, and
3 then they would know what would be those. All these
4 are roughly estimations. These been read. Meter
5 had been read over a period of time.

6 Q. You are saying these are all estimated
7 bills?

8 A. Yes, they're all estimated.

9 Q. Now I would note that on the two bills on
10 which you made the notation that the account was
11 changed without notice, there is a notation on the
12 bill. It says actual, which I believe reflects an
13 actual reading.

14 A. Well, if you want to change -- for them to
15 change your account, sir, without notifying you, you
16 look at your bills each month, you see the change.
17 You would notify them what was the change and what
18 was the reason for the increase in the change on the
19 account.

20 Q. I have to confess that I don't have a clear
21 understanding of your response to whether or not you
22 contacted Peoples when you got the increases in

1 these bills.

2 A. Yes, I contacted them, sir. When I
3 contacted them, they denied that there was an actual
4 cost and I explained to them what month --

5 Q. This is what I'm having the difficulty.
6 What did they deny?

7 A. They denied those were -- those weren't
8 correct. They denied what I said was not
9 accurate.

10 Q. Now when you did contact them, do you
11 remember when you contacted them approximately what
12 month and year?

13 A. Within that time frame, sir.

14 Q. Sometime around June or --

15 A. Yes, within that time frame. I can't give
16 you exact date or time. I could say within the time
17 frame.

18 Q. If I were to say June 2002, would that be
19 correct, a valid estimate of when you contacted
20 them?

21 A. When the incident took place, I contacted
22 them.

1 Q. Say again.

2 A. The incident occurred. I contacted them

3 when the wrong bill come to me.

4 Q. Which wrong bill? That's what I'm trying

5 get at.

6 A. The wrong account here.

7 Q. So around May of 2002?

8 A. It says noted. It's noted, yes.

9 Q. And -- okay. You say that Peoples Gas said

10 there was no error?

11 A. Well, yes, I explained to them about the

12 account --

13 Q. Okay.

14 A. -- and they made the changes on the account

15 number, sir. I brought them to their attention.

16 They did not make changes on the payments.

17 Q. I don't understand why they made a change to

18 the account number.

19 A. It's right here. Go back a month, go back a

20 month, you'll see the increase. They're going back

21 a month.

22 MS. ZIAJA: All right. If you look at the July

1 29, 2002 bill, they changed the account number
2 again.

3 JUDGE RILEY: I understand that.

4 JUDGE RILEY: Q. What it amounts to is for the
5 first five bills of 2002 you had one account number.

6 A. Yes.

7 Q. For the next two bills you received, there
8 is a second account number. --

9 A. That's right.

10 Q. -- and then as of July 29th there's a third
11 account number.

12 A. Okay.

13 Q. What I'm trying to find out is why this
14 second account number appeared. Do you know why?

15 A. I have no idea.

16 Q. Okay.

17 A. I have no idea. I contacted them and asked
18 them.

19 Q. And Peoples Gas was not able to explain to
20 you why that account number appeared?

21 A. All they can do is search their files, sir,
22 and change the account number back to the normal

1 account number what was generated to each customer,
2 sir -- processed to each customer.

3 Q. I can only say that this is going to go down
4 that you didn't get an adequate explanation --

5 A. That's correct, sir.

6 Q. -- what was asked.

7 A. I did not get an adequate adjustment from
8 Peoples Gas.

9 Q. You are saying this third account number
10 appeared because they changed their system?

11 A. Yes, they changed. Now wait a minute, sir.
12 When they changed the system, it should have been
13 this number here from 4 -- from 4 -- from 41 --

14 Q. From 4101 --

15 A. -- to this number here.

16 Q. -- to the one ending in 6293?

17 A. This number (indicating).

18 Q. But this intervening account number that
19 ends in 3361, we don't know why that --

20 A. No.

21 Q. You don't know why it appeared?

22 A. No.

1 Q. And you don't know why, and you were not --
2 are you saying that you did not get an adequate
3 explanation from Peoples Gas?

4 A. No. Once I got a notice that it was
5 circulating a new account number to each account
6 holder through the mail, we got one month -- one
7 here showing that we would soon be changing new
8 account numbers, so I talked with the customer
9 service about those, can we keep those same account
10 numbers, and they said no. They said no. They
11 generated -- they say they have a new separated
12 system where they get accurate generation of bill
13 accounts through their system, so I went along with
14 the new number and said, okay, yes, I'll take the
15 numbers, I had no chance, either you take the new
16 number or you don't have service with Peoples Gas.
17 There's no option in that, so --

18 Q. When you said -- go ahead.

19 A. I took the new account number and she gave
20 me information on the new account number, what it
21 would be. I changed from one number to another
22 number. All right. When I received that new

1 account number, I checked the balance from the
2 previous balance and making a normal payment
3 sometimes would be \$90, sometimes would be \$50,
4 sometimes be \$80, be what accumulation of bills
5 would be per month --

6 Q. Okay.

7 A. -- and that now in that time frame I brought
8 to the attention -- what you have there in
9 information, you have says wrong (sic) bill there,
10 so no notification of the bill's been changed. I
11 did not receive notification. It's been changed
12 from that number from this number here.

13 Q. Okay. From what you're referring, you are
14 saying this and that number. It doesn't identify
15 anything. This is the original number ending in
16 4101?

17 A. That's correct.

18 Q. You did not -- is it your testimony that you
19 don't know why it was changed to 3361?

20 A. No. No. No, I'm not from this number to
21 3361.

22 JUDGE RILEY: That's all I have for the

1 complainant at this time. Counsel, did you want to
2 conduct cross-examination?

3 MS. ZIAJA: I'm not going to do a cross.

4 JUDGE RILEY: There's will be no cross?

5 MS. ZIAJA: No.

6 JUDGE RILEY: Thank you. Give me a minute to
7 make some notes. Why don't we take about a
8 five-minute recess.

9 (Off the record.)

10 JUDGE RILEY: Q. I want to go back one more
11 time. When you started to receive bills in July of
12 2002 for account numbers that ended in 6293, was
13 this a new one after the system changed?

14 A. Yes.

15 Q. I note that the amounts due substantially
16 increased these summer months. Did you ask Peoples
17 Gas about those increases?

18 A. Yes, I did.

19 Q. What did they say?

20 A. They checked their files, sir, checked their
21 files, and let them know that that was not the
22 correct charge that they charged me for from over

1 the wintertime for the the winter months, because my
2 bill was \$100, \$200 lower than actual cost. See, I
3 don't use that much gas service.

4 Q. The problem that I'm having is that you have
5 got an increase -- a substantial increase in the
6 amount due on these bills during the summer months,
7 and I'm trying to find out when you contacted
8 Peoples Gas did they respond, what did they say, did
9 they ever check their file, did they ever answer
10 your questions as to why these increases occurred.

11 A. No, I didn't get a phone call back from
12 their people.

13 Q. You didn't heard back from them?

14 A. No. I talked every month, sometimes twice a
15 month, to keep a report with them on my current
16 balance and bills to be paid, what I -- again, what
17 I made and what type of budget I come up with to
18 bring it down to this amount here.

19 See, once I brought -- once I paid
20 Peoples, what the arrangement I had with them, the
21 incident took place what you saw there. I only
22 talked to -- with them about that incident and bring

1 to their attention.

2 I talked with Peoples Gas people about
3 somewhere along the line somewhere in here making
4 this more difficult. In the communications with
5 Peoples Gas/Peoples Energy, we ended up being still
6 hostile about the facts and issues that I had to
7 show for talking with them about that. I talked
8 with them real nice and that there wouldn't be any
9 hostility.

10 That's why I contacted the Illinois
11 Commerce Commission, and when bringing forth the
12 reason for my purpose of contacting them, your
13 Honor, it's explained for itself that, your Honor.
14 That's the reason why I contacted the Illinois
15 Commerce Commission, sir, for them to look into any
16 type of wrong in the services here and the present
17 services here. This is what I'm saying. That's
18 what's the purpose of contacting them. Anything out
19 of the ordinary -- anything out of the ordinary,
20 that's my purpose of contacting them.

21 Q. Did Peoples Gas ever come out and do a meter
22 reading that you know of as a result of this

1 increased bill?

2 A. Yes. Yes, they come out and do meter
3 readings.

4 Q. I don't mean the regular monthly meter
5 readings. Did they come out specifically as a
6 result of your complaint beyond that --

7 A. No.

8 Q. -- for these overcharges?

9 A. Beyond that, no. They come out like monthly
10 services. Sometime they would call, sometimes they
11 do come out, but in the -- when they're in the area,
12 we be notified. There wasn't no people that did
13 meter reading without letting us know.

14 Q. Did you ask for a special meter reading or
15 to do a particular meter reading?

16 A. What I did once or twice on occasion
17 volunteer my service by doing that, reading the
18 meter and then submitting it to the company.

19 Q. Did they read the meter is my question?

20 A. No.

21 Q. No? All right. But I'm still not clear as
22 to whether or not you asked for one.

1 A. No. No, I didn't.

2 Q. Mr. Walker, do you have any additional
3 evidence beyond these bills that you would like
4 to support your case?

5 A. All I say accumulated from right here from
6 this time, which we have here on the printout, what
7 I wrote to the Illinois Commerce Commission on
8 December 2003 in the third month -- of the third
9 hearing, and after the proceedings, I arrived late
10 and also filed an appeal for them to resubmit the
11 hearing on that.

12 So when they had turned it down, my
13 letter -- who had turned it down, my letter saying
14 they did not feel that I needed another hearing on
15 those matters on overcharges was accumulated, but
16 then, too, I talked with the Illinois Commerce
17 Commission and they accepted this second appeal
18 here, so those are the charges accumulated over a
19 period of time, sir. Each thing was done by letter
20 to 2003.

21 Q. What do you have there?

22 A. These are more bills here, sir, explaining

1 the year.

2 Q. These are bills for 2003, which is a 6293
3 account number?

4 A. That's correct.

5 Q. These are all in your name at the same
6 address?

7 A. Yes, they are. Check and see. Sometimes
8 some of them say occupant.

9 Q. I'm going to go back at this one more time.

10 JUDGE RILEY: Let the record reflect that there's
11 a bill here for a fourth account number on it, but
12 it's for occupant at 5701 South Wolcott Avenue,
13 first floor rear.

14 JUDGE RILEY: Q. This wouldn't be you at all,
15 wouldn't it?

16 A. Rear, no.

17 Q. Why would that be in your possession?

18 A. No, that wasn't mine.

19 Q. Is this all of the bills that you have?

20 A. Yes, that's all the bills that I have.

21 JUDGE RILEY: Let the record reflect that these
22 bills --

1 THE WITNESS: What I have -- also, I have letters
2 that say -- that explain each time I read that
3 meter. That was for the first case and the reason
4 why this is here.

5 MS. ZIAJA: I'm going to object to that.

6 JUDGE RILEY: Take it easy, Counsel. I'm not
7 going to admit this.

8 JUDGE RILEY: Q. Mr. Walker, I don't understand
9 the relevance of this.

10 A. The relevance, sir, that I kept
11 communications with the Illinois Commerce
12 Commission, will also show that I kept
13 communication with Peoples Energy.

14 Q. I understand that, but that doesn't tend to
15 prove anything.

16 A. But see when you reject that, that was no
17 communications based upon that, sir. The purpose of
18 that communication was to come to look into those
19 facts that I have raised to those people about what
20 incident had happened, sir. That's the purpose of
21 that.

22 Q. This is a separate complaint to Peoples

1 Gas --

2 A. That's correct.

3 Q. -- dated January. You have already done
4 that with us.

5 MS. ZIAJA: To the extent necessary, your Honor,
6 we'll concede that Mr. Walker contacted Peoples Gas
7 when he started receiving occupant billings to
8 investigate the underlying allegations.

9 JUDGE RILEY: Let the record reflect that I'm in
10 receipt of a substantial number of bills ranging
11 from January 29, 2003 to December 31, 2003 all for
12 the 6293 account number in Mr. Walker's name
13 displaying various sums of money, and that's all
14 within the same time frame.

15 THE WITNESS: And the purpose to --

16 JUDGE RILEY: Q. It's a continuation of the
17 charges that you are alleging are overcharges from
18 2002?

19 A. That's correct. They accumulated.

20 Q. Do you have any other bills?

21 A. That's it, sir.

22 JUDGE RILEY: Then that's all the questions that

1 I have. Based upon this latest round, Counsel, did
2 you have any cross-examination?

3 MS. ZIAJA: I'll reserve my right to ask
4 Mr. Walker some questions, but at this time we would
5 like to proceed with our case in chief. If anything
6 arises, then --

7 JUDGE RILEY: I have to make sure to make copies
8 of these. Rather than have approximately, I guess,
9 25 exhibits or so, I'm going to mark these as
10 Complainant's Group Exhibit 1 --

11 MS. ZIAJA: That's fine.

12 JUDGE RILEY: -- and I'll take his motion later
13 on and we'll make copies later on.

14 (Whereupon, Complainant's
15 Group Exhibit No. 1 was
16 marked for
17 identification.)

18 That is all the questions that I have
19 for you for now, Mr. Walker.

20 I will reserve the right to recall
21 Mr. Walker if anything that I feel needs further
22 explanation.

1 Why don't we take just a couple of
2 minutes. We have been going at this about an hour
3 now, take a 5-minute recess and get a drink of
4 water.

5 (Off the record.)

6 Let's go back on the record. At this
7 juncture we have completed all the questioning for
8 now of the complainant, Mr. Walker, and I'll turn to
9 Peoples Gas and ask you do you have a witness to
10 present today?

11 MS. ZIAJA: Yes, we do.

12 JUDGE RILEY: And would you please call your
13 witness.

14 MS. ZIAJA: Yes. We're calling Mr. William
15 Medellin.

16 WILLIAM MEDELLIN,
17 called as a witness herein and testified as follows:

18 DIRECT EXAMINATION

19 BY

20 MS. ZIAJA:

21 Q. Could you state your name and spell it for
22 the record.

1 controls?

2 A. Three years.

3 Q. Are you familiar with the case presented
4 today?

5 A. Yes, very familiar.

6 Q. And you prepared the testimony to the
7 account status of Mr. Walker?

8 A. That's correct.

9 Q. You heard a lot of information being
10 presented regarding multiple accounts that were at
11 issue, but as we went through the evidence when you
12 were compiling things, you sort of had an idea of
13 exactly what date this issue sort of arose.

14 Can you please tell the Court about the
15 underlying circumstances of Mr. Walker's account?

16 A. Yes. Reflecting about the original account
17 number, Mr. Walker had began or actually ends with
18 the last four digits 4101, at that time Mr. Walker
19 had a past due amount of bills, approximately the
20 past due amount was 970.04, and what happened is
21 under the circumstances when a customer is past due,
22 we send them a disconnection notice letting them

1 know the gas is in risk of being disconnected. As a
2 result not receiving sufficient payment, we
3 disconnected the service on November 19, 2001.

4 Q. Now is this record reflective of the fact
5 that you disconnected service on November 19,
6 2001?

7 A. Correct. That is a copy of the service
8 order that shows that we disconnected the service
9 and we disconnected it from the B Box, which is the
10 piece that arises from in front of house, and that
11 is how we disconnected the service on that date.

12 MS. ZIAJA: I'm submitting to your Honor an
13 exhibit that I have labeled Exhibit 1.

14 (Whereupon, Respondent's
15 Exhibit No. 1 was marked
16 for identification.)

17 MS. ZIAJA: Q. Mr. Medellin, can take a look at
18 this as well. Now please sort of talk us through
19 what this reflects. First of all, can you indicate
20 what account number this record is relating to?

21 A. Yes, this is pertaining to Account
22 9-5000--1801-4101.

1 Q. And whose name was the account issued in?

2 A. This is in the name of David J. Walker.

3 Q. And what address?

4 A. 5701 South First Wolcott Avenue, first floor
5 front.

6 Q. Now what date was the service terminated
7 for, Mr. Walker?

8 A. On November 19th of 2001.

9 Q. And the reason for termination?

10 A. Due to pass due amounts and nonpayment of
11 sufficient amount of bills.

12 Q. Was Mr. Walker previously on a budget plan?

13 A. Yes, he was.

14 Q. And what's involved in the budget plan?

15 A. Budget plan when a customer's request a
16 budget, we basically calculate what the average
17 costs are going to be forecast for the next 12
18 months, which is a fluctuating plan, so if a
19 customer's on a budget for let's say \$80, that does
20 not mean that he'll pay that forever. This will
21 fluctuate. Based on the rising cost of gas, his
22 budget will also increase, and if the customer does

1 not keep up with those increases, he'll be cancelled
2 off of the budget plan and we'll just send him the
3 actual remaining amount of his balance of his bill.

4 Q. Do you know what the original budget amount
5 was for Mr. Walker?

6 A. In 2001 there was a period of time that he
7 was paying around \$80 month.

8 Q. And, yet, he was not keeping up with the
9 increase?

10 A. Increase of the budget, yes, that's correct.

11 Q. And that ultimately led to termination
12 of --

13 A. Of the budget plan.

14 Q. Now you indicate that terminated at
15 something called a B Box.

16 A. Yes.

17 Q. Is that correct?

18 A. That is correct.

19 Q. And this is what this exhibit that I'm
20 showing you now reflects?

21 A. Yes. That reflects that we did not
22 disconnect gas from inside the meter. We had to --

1 to not gaining access inside of the house, we
2 disconnected from outside.

3 MS. ZIAJA: Let the record reflect what I have
4 labeled as Exhibit 2 to Mr. Walker and to the judge.

5 (Whereupon, Respondent's
6 Exhibit No. 2 was marked
7 for identification.)

8 MS. ZIAJA: Q. Now looking at these two records
9 in conjunction, you went out, turned the service off
10 at the B Box, and did they take an actual meter read
11 at that time?

12 A. Yes. We have an ERT (sic) device, which is
13 an electronic reading transmitter that attaches to
14 the actual meter, that way when a serviceman arrives
15 or is in front of the house, he can actually get the
16 actual reading transmitted to his truck, so we were
17 able to get an actual reading even though gas was
18 disconnected outside.

19 Q. And what was the actual read at the time of
20 disconnection?

21 A. That was 2511 was the actual read on that
22 date.

1 Q. You saw some bills that Walker submitted as
2 evidence relating to sort of missed his making
3 payments during the course of the time of I think it
4 was December, January, and February, and March, and
5 as you were looking at these you had something in
6 particular that you saw that sort of triggered
7 something in your mind. I would like you to share
8 that with the court.

9 A. If you were to actually look at the bills
10 that were on the account number that we're talking
11 about issued from January of 2002 until May of 2002,
12 you will note that there is no billing -- billing is
13 what we have on a billing period, which is usually a
14 30-day billing period on there on the right column
15 which all bills show what their actual usage is, so
16 what happened when a customer has a final account,
17 that account is closed and we send out bills on a
18 monthly basis letting the customer pay off their
19 balance so a customer can still continue to make
20 payments every month, but that is just a final
21 account, meaning that there's no current usage being
22 billed on those bills.

1 Q. So those bill reflected that Mr. Walker's
2 service was actually terminated for your records at
3 this time and that there was no gas usage going on
4 at his property under the account number of
5 9-5000-1801-4101?

6 A. That is correct.

7 Q. It's simply that this account was in
8 arrears, he had been terminated service, now he was
9 make payments to try to pay down the actual balance?

10 A. That is correct.

11 Q. Now at a certain point of time, however,
12 your ERT reader determined there was actual usage
13 going on at 5701 South Wolcott; isn't that correct?

14 A. Yes, that is correct. So when that happens
15 and they can actually -- the readings are still
16 taken every month.

17 Due to the fact that we do not know
18 exactly who lives at the premises at that time,
19 unless that person actually contacts us and tells us
20 that they are still living there, we then create a
21 bill that is in the name of occupant, so when the
22 bill is created in the occupant, that is a monthly

1 bill that is showing usage up until that period of
2 time but billed to no one in particular until we
3 find out who that customer really is.

4 Q. And do they get a different account number
5 when an occupant bill is issued?

6 A. Yes, there is a different account number
7 issued.

8 Q. So, in this instance, you began to recognize
9 there was service going on in Mr. Walker's apartment
10 even though Mr. Walker was terminated of service.
11 He was no longer an active account customer with
12 you, but there was still gas being used in the
13 apartment unit?

14 A. That is correct. And I wanted to bring up a
15 point where he had stated that there was a system
16 change, that is why we actually changed the bill,
17 that is not correct.

18 In February of 2001, our company,
19 Peoples Gas, went through a conversion where
20 everybody who has an account number at that time --
21 our account numbers consisted of nine numbers in
22 February of 2001. Everyone that has an account with

1 Peoples Gas had a new account number issued with a
2 13-digit number. As a result, he had those current
3 bills that he was paying at the time, and that was
4 already passed the conversion date, so that had
5 nothing to do with a difference or change of account
6 number due to that reason.

7 Q. So the change in account number was solely
8 based on the fact that there's occupant usage going
9 on? You weren't able to determine who was using it.
10 You intended to send the bill to try to recoup your
11 costs from someone you issued a new account number?

12 A. That is correct.

13 Q. Did your organization get a phone call from
14 Mr. Walker at May or June relating to the occupant
15 usage bills?

16 A. We have nothing on record as far as for
17 that. The first period of time would be either the
18 end of June or beginning of July. He had contacted
19 a Mr. Munoz and at that time that's where he
20 discovered that Mr. Walker was still the actual
21 occupant of the property on the first floor, and,
22 as a result, Mr. Munoz billed Mr. Walker

1 for usage from the period of time when we had
2 disconnected it up to the most current date.

3 MR. ZIAJA: Let the record reflect that I'm
4 submitting what's been labeled Exhibit 3.

5 (Whereupon, Respondent's
6 Exhibit No. 3 was marked
7 for identification.)

8 MR. ZIAJA: Q. Does Exhibit 3, being difficult
9 to read, indicate Mr. Munoz handling Mr. Walker's
10 account?

11 A. Yes. This reflects that Mr. Frank Munoz on
12 July 3, 2002 updated the account in order to create
13 and put the gas in the name of Mr. Walker.

14 Q. The occupant usage gas that had previously
15 been billed to Mr. Walker?

16 A. That is correct.

17 Q. Now why did Mr. Walker not get his prior
18 account thereby generating a third account number,
19 which has been brought into play at this hearing
20 today at the time Mr. Munoz made the conversion?

21 A. Well, the billing runs on a cycle which
22 usually -- bills in his particular account bill

1 around approximately the end of each month, so when
2 he did this conversion and actually created the
3 account on July 3rd, once the account's billed,
4 which was on July 29th, that was the bill where he
5 was issued the balloon bill for all this period of
6 time that had passed previously.

7 Q. Now I'm going to show you one of the
8 occupant usage bills. We have previously indicated
9 that the end meter read for Mr. Walker when he was
10 terminated for nonpayment was 2511. Based on the
11 last occupant bill that was issued to him, what was
12 the actual meter read at the time Mr. Munoz made the
13 conversion?

14 A. On June 28th of 2002, the actual company
15 reading was 4110.

16 MS. ZIAJA: And let the record reflect that I
17 have submitted Exhibit 4 to this court so they can
18 realize the actual meter read, as well as submitted
19 to Mr. Walker for his review.

20 (Whereupon, Respondent's
21 Exhibit No. 4 was marked
22 for identification.)

1 MS. ZIAJA: Q. So in July -- on July 29, 2002 a
2 new bill was issued to Mr. Walker?

3 A. Yes, a bill was created with a different
4 account number in the name of David J. Walker.

5 Q. And that July 29, 2002 bill reflected the
6 usage that was previously not charged to Mr. Walker
7 although accrued at the 5701 South Wolcott address?

8 A. That is correct.

9 Q. And what is the amount of we'll call that a
10 balloon bill that was issued to Mr. Walker at the
11 time?

12 A. The amount of that bill, which covered usage
13 from December 4, 2001 through and July 29th of 2002,
14 was \$1,033.59.

15 Q. And that was an accumulation of all billing
16 that had previously been billed based on occupant
17 usage from December 4, 2001 through July 29, 2002;
18 is that correct?

19 A. Yes, that is correct.

20 Q. You have a copy of that?

21 A. Yes, I do.

22 MS. ZIAJA: Let the record reflect that I'm

1 submitting the first bill that was issued with the
2 new and final account to Mr. Walker that reflected
3 the previously unauthorized gas usage.

4 (Whereupon, Respondent's
5 Exhibit No. 5 was marked
6 for identification.)

7 MS. ZIAJA: Q. Now for the purposes of today's
8 hearing, you actually prepared a document that shows
9 all of the payments that Mr. Walker has made to
10 Peoples Gas over the last pretty much two-year
11 period; is that correct?

12 A. That is correct.

13 Q. I would like you to kind of go through this
14 with us, and I am going to provide a copy of that
15 exhibit to the court and Mr. Walker to use as a
16 talking point.

17 (Whereupon, Respondent's
18 Exhibit No. 6 was marked
19 for identification.)

20 I have submitted to Mr. Walker and the
21 court what have been labeled as Exhibit 6. Starting
22 in July 29, 2002, we can see based on this record

1 that Mr. Walker had an account balance of

2 1 thousand- --

3 JUDGE RILEY: What are you referring to?

4 MS. ZIAJA: There's a series of --

5 JUDGE RILEY: Is that reading date from --

6 MS. ZIAJA: Yes. Reading date from December 4,
7 2001 to January 29, 2002 -- I'm sorry -- July 29,
8 2002.

9 JUDGE RILEY: Okay. What is the title of this
10 document?

11 MS. ZIAJA: Q. Do you have a title that you
12 normally use?

13 A. Just transcript history for David Walker.

14 JUDGE RILEY: Thank you.

15 MS. ZIAJA: Q. When was the next bill sent to
16 Mr. Walker?

17 A. The next bill following that July 29th day
18 is a bill on August 28th of 2002.

19 Q. Was that based on an actual read or
20 estimated read?

21 A. This was based on an actual reading.

22 Q. Because the ERT device of some type was

1 attached to Mr. Walker's property?

2 A. That's correct.

3 Q. So Walker has had all actual reads?

4 A. Yes. We have billed him always to actual
5 reads.

6 Q. What was the amount that was actually billed
7 to Mr. Walker for that time period?

8 A. For that time period, for the bill issued
9 August 28th, the bill for the month was \$48.84
10 including the past due amount that remains as a
11 total balance at the end of the month is 1,197.06.

12 Q. How much of a payment did Mr. Walker make?

13 A. Mr. Walker made a payment of \$80.

14 Q. And the following month, when was the next
15 bill is?

16 A. The next exhibit was submitted and issued on
17 September 30, 2002.

18 Q. And what was the reading period?

19 A. The reading period covered from August 28,
20 2002 to September 30 of 2002.

21 Q. What was the amount that was billed?

22 A. The bill for that month was \$56.05.

1 Q. And how much did Mr. Walker pay on his
2 previous account?

3 A. We received a payment of \$60.

4 Q. Now each time a customer doesn't pay an
5 amount in full, are they charged late fees?

6 A. Yes, that is correct. There is a 1.5
7 percent late fee that is charged towards the past
8 due amount every month.

9 Q. Is there any point in time when Mr. Walker
10 actually made a subsitive payment to pay down this
11 \$1,000 that was due and owing based on the occupant
12 usage?

13 A. No. As the payment history reflects, as of
14 August 7, 2002 up to the most current date,
15 Mr. Walker does consistently make a monthly payment,
16 however, the highest amount that we had received
17 during that period of time has been \$85.

18 Q. Just so that I'm clear here, there's no
19 evidence -- let me rephrase that. You terminated
20 Mr. Walker -- so that I'm clear, you terminated
21 Mr. Walker in November of 2001, shut off his gas
22 service --

1 A. Yes.

2 Q. -- terminated at the B Box?

3 A. Correct.

4 Q. And then sometime -- well, while this was
5 going on, Mr. Walker was making payments out of a
6 payment plan --

7 A. Yes, he was making payments on the account.

8 Q. -- to pay down the outstanding balance based
9 on what he was terminated for?

10 A. He also received a LIHEAP payment at the
11 time.

12 Q. Excellent.

13 You turned it off at the B Box and then
14 sometime around April or May you began to realize
15 there's actually gas flowing in there?

16 A. Correct.

17 Q. You issued an occupant usage bill?

18 A. Yes.

19 Q. You don't get any response?

20 A. No.

21 Q. You find out until when Mr. Walker calls
22 that he has consistently lived at the unit and has

1 been using gas during that time period --

2 A. Yes.

3 Q. -- rolled it over to a new account, billed
4 him for the outstanding balance?

5 A. That's correct.

6 Q. And the highest payment that you have
7 received from Mr. Walker from the time period of
8 July 2002 to the present date, even though he has an
9 outstanding balance at the time of \$1200, is an \$80
10 payment?

11 A. Yes, that is correct. There are a few \$85,
12 but that is the highest.

13 Q. There's also payments that are as low as
14 \$40; is that correct?

15 A. The most recent payments have been 45 and
16 \$50.

17 MS. ZIAJA: I have nothing further, your Honor.

18 JUDGE RILEY: Thank you. I have got quite a
19 number of questions for my own clarification.

20 EXAMINATION

21 BY

22 JUDGE RILEY:

1 Q. What is your job title?

2 A. I'm a billing specialist.

3 Q. What do you mean by a B Box?

4 A. A B Box is the actual metal riser that rises

5 from inside most homes. That is actually where the

6 gas main runs into the actual house.

7 Q. Is that inside the house or outside the

8 house?

9 A. That's outside usually in the front lawn.

10 Q. And it's an actual box?

11 A. It's a metal round cover and then below

12 usually it's about six feet underground where

13 there's the actual lock. That's where we have a

14 device that actually is locked onto that. As we

15 turn it, we can disconnect service going into the

16 house.

17 Q. You don't have to dig up the yard?

18 A. No, just straight down the ground. We

19 usually turn the actual instrument or tool.

20 Q. From the top?

21 A. From the top.

22 Q. What is Mr. Munoz' title? Do you know?

1 A. He mainly deals with collections or past due
2 accounts.

3 Q. Now this service was shutoff on November 19,
4 2001 for nonpayment?

5 A. Correct.

6 Q. And Peoples found out approximately May of
7 2002 that usage was occurring?

8 A. Yes.

9 Q. How did they find that out? Was there an
10 actual reading?

11 A. Yes. We have -- on the meter itself,
12 there's an electronic reading device, even though we
13 shutoff the customer for whatever reason previously
14 for nonpayment, the meter's actually still running.
15 It will still register an actual meter reading on a
16 monthly basis.

17 Q. It's correct to say the meter was not locked
18 off?

19 A. The meter was never locked off.

20 Q. What compelled Peoples Gas to read the
21 meter?

22 A. It was not an actual reading inside the

1 house. This is all done outside through the
2 electronic reading device, and, like I stated, the
3 device is active and running. When the serviceman
4 drives by on a monthly basis, he'll get the reading
5 for that whole block, so if there's a house that is
6 there, even though we had disconnected it there and
7 it has an active meter running, it will notify us
8 gas is still on.

9 Q. It will show recorded usage?

10 A. Exactly.

11 Q. So what does -- Peoples' truck drives by the
12 residence --

13 A. Yes.

14 Q. -- even though the meter had been
15 shutoff --

16 A. Yes.

17 Q. -- or even though their gas has been
18 shutoff?

19 A. Yes, for privacy. Yes. Yes.

20 Q. To your knowledge, did Peoples Gas ever
21 contact the complainant to find out what he had done
22 or how the gas started being used again?

1 A. Not that I'm aware of. As far as with the
2 way we contact, not verbally, but through the actual
3 bills that are issued in the name of occupant to let
4 that person know who is occupying the premise to
5 basically get in contact with us to let us know the
6 gas is still on.

7 Q. So, as you sit here now, you don't know how
8 that gas started flowing again?

9 A. Correct. And we don't know if Mr. Walker
10 was the actual tenant at the time.

11 CROSS EXAMINATION

12 BY

13 MS. ZIAJA:

14 Q. Well, actually though didn't Mr. Walker
15 contact you --

16 A. This was already at the end of June of 2002.

17 Q. -- admitting to the usage?

18 A. Right, with Mr. Munoz.

19 EXAMINATION

20 BY

21 JUDGE RILEY:

22 Q. That was in a conversation with Mr. Munoz?

1 A. Correct.

2 Q. The truck can read the meter from a meter
3 inside the house?

4 A. From the outside, correct.

5 Q. Okay. Just so I'm clear on that about how
6 these three accounts work, you testified that the
7 account ending in 4101 doesn't have any usage, so
8 there is just an accumulation of charges that are
9 due to the amount reflecting that 1.5 percent
10 interest charge?

11 A. Five percent -- what do you mean? The 1.5
12 percent late charge?

13 Q. Right.

14 A. No, they will just -- when an account is
15 final, all right, only if the account is current
16 only will it accumulate the late charges. Once it's
17 a final account, it will -- if we receive payment,
18 it will be deducted off the final balance.

19 Q. All right. So what happened was -- is that
20 once you determined if there was some kind of
21 unauthorized usage going on, the bill was sent to
22 occupant under another account number?

1 A. Yes.

2 Q. And there was a 3361 number --

3 A. Yes.

4 Q. -- that was sent to him on May 1, 2002 (sic)

5 A. Yes.

6 Q. Now Peoples Gas did not attempt to shut the

7 gas off again; is that correct?

8 A. No, we did not.

9 Q. What Peoples Gas did was simply issue a

10 third account number?

11 A. Yes.

12 Q. And that encompassed all charges due going

13 back to -- well, help me out. To what date?

14 A. We went back from December 1st of 2002 all

15 the way until -- no. I'm sorry -- December 1, 2001

16 until the most current reading, which was taken on

17 July 29th of 2002.

18 Q. So Mr. Walker was charged for usage --

19 A. Yes.

20 Q. -- going all the way back to December. It's

21 very shortly after the time the gas was shutoff?

22 A. Yes.

1 Q. How did -- maybe you already explained this,
2 but how did Peoples determine that he had been using
3 gas going all the way back to December 1?

4 A. Because of the fact that we have monthly
5 meter readings that show usage on a monthly basis,
6 and when that conversation with Mr. Munoz when he
7 stated he's the actual person that has been staying
8 there during this whole period of time, that is when
9 he did the adjustment and billed him that bill on
10 July 29th.

11 Q. Then I guess what my confusion is then that
12 if Peoples was reading this meter all along with
13 these electronic devices, wouldn't they have known
14 prior to May or June of 2002 that that gas had been
15 flowing again?

16 A. The way it's generated as in the first few
17 months we get what is called a work Q (phonetic),
18 which is basically a notice that goes to our billing
19 control area, and there are certain people that
20 handle those particular cases, where we see a meter
21 that's registering usage when it shouldn't.

22 So as far as those accounts, I mean,

1 there's -- considering we service the whole City of
2 Chicago, there's many of the accounts that have that
3 type of situation, so sometimes it's not possible
4 when they get that first reading, let's say, in
5 January or February to right away issue a bill for
6 that person due to other accounts that we're also
7 handling.

8 Q. It's just volume. That's just the sheer
9 volume of the meters that you are trying to keep
10 track of --

11 A. Yes.

12 Q. -- them?

13 A. Yes.

14 MS. ZIAJA: I would indicate that Mr. Walker
15 submitted bills that go from back from April for
16 occupant usage in his pile.

17 JUDGE RILEY: Okay. I would submit that
18 Mr. Walker submitted bills that go back to April.

19 That I believe is all the questions
20 that I have for now.

21 Mr. Walker, you are entitled to
22 cross-examine the witness. Do you have any

1 questions for Peoples Gas' witness?

2 CROSS EXAMINATION

3 BY

4 MR. WALKER:

5 Q. Like I said, at the present time that he
6 said that the -- what month did he say cutoff --
7 service was disconnected, I was in the process
8 talking with Peoples Gas Energy and also submitted a
9 form to reinstate the service.

10 How did the service get reinstated
11 through LIHEAP? When I talked to the gas company,
12 how did service get reinstated? When could it have
13 been stated, sir?

14 A. We never reinstated the service. When your
15 gas service was disconnected on November 19th, we
16 issued a final bill. At that time if LIHEAP accepts
17 or approves your grant and you get that, you call us
18 and we setup an appointment to restore your service.
19 As of that point then, you will receive a monthly
20 bill showing actual billing consumption on a 30-day
21 basis, and that never occurred.

22 Q. Well, I have experienced -- during the time

1 I received disconnection that I have not had
2 information about that I had service at this time, I
3 still had an account with Peoples Gas Energy.

4 At the time I filed a complaint with
5 the Illinois Commerce Commission -- I think her name
6 was Ms. Senayo (phonetic) that previously worked on
7 those issues there, sir, about that Illinois
8 Commerce Commission -- and that service was turned
9 off because I talked with her. What we did was we
10 went to the LIHEAP program and provided service.

11 MS. ZIAJA: Is that a question?

12 JUDGE RILEY: I know.

13 MR. WALKER: Well, the question's just how it
14 turned it back on.

15 JUDGE RILEY: I'm sorry. I can't understand.

16 MR. WALKER: That's how service was turned on
17 back by CEDA.

18 JUDGE RILEY: Turned on by --

19 MR. WALKER: CEDA, LIHEAP program.

20 THE WITNESS: It's a CEDA program.

21 JUDGE RILEY: No, I understand that. Is that
22 your --

1 THE WITNESS: That's it. That's the final
2 question.

3 JUDGE RILEY: What was the question?

4 THE WITNESS: How was service turned back on, and
5 that was it.

6 EXAMINATION

7 BY

8 JUDGE RILEY:

9 Q. Let me ask, Mr. Medellin, what is your
10 understanding that the service was turned back on by
11 CEDA?

12 A. That is not what occurred. We never issued
13 an order to turn on the service due to CEDA.

14 Q. Then under no circumstances could service be
15 properly turned back on unless Peoples Gas
16 authorized it; is that correct?

17 A. That is correct.

18 REDIRECT EXAMINATION

19 BY

20 MS. ZIAJA:

21 Q. However, your records reflect that there was
22 a deposit based on the billing date or a read date?

1 A. This was already on the new account number
2 in December of 2002 due to the fact that there were
3 already four late payments.

4 In accordance with the Illinois
5 Commerce Commission rules, we bill a deposit for
6 one-sixth of the actual usage, so we billed him in
7 four installments, that the 226 we averaged that
8 out, and there's a column that shows the deposit
9 charges 74, 74, 74, and the last installment of \$4
10 because it was already on the new account.

11 Q. Now Mr. Walker's gas got turned back on or
12 he got the new account in July. Did he establish a
13 payment plan with you?

14 A. No.

15 Q. And what basis did you restart his service?
16 What was the determination to turn the service back
17 on in July 2002?

18 A. Once he had a conversation with Mr. Munoz
19 and we were clear that he did utilize the service
20 during that period of time, we, in order to create
21 the bill, submitted that bill that was issued on
22 July 29th billing him for that service for usage

1 during that period of time.

2 Q. And based on the payments -- on the
3 agreement that he would pay that you turned his
4 service back on?

5 A. The account was already on, but his account
6 became active.

7 Q. Okay.

8 JUDGE RILEY: I have got to go back now to the
9 bit about the gas flowing again. The Peoples Gas
10 determined that it was December 1, 2001 that the gas
11 started flowing again to that unit?

12 THE WITNESS: Yes, we used that date as the date
13 of the start date based on the readings.

14 JUDGE RILEY: Okay. All right.

15 MS. ZIAJA: If I may, your Honor, if you are done
16 with our witness, I have just two questions for
17 Mr. Walker.

18 JUDGE RILEY: As a matter of fact, let me make a
19 note and we'll get back to that.

20 That was an electronic reading from a
21 truck?

22 THE WITNESS: Yes.

1 JUDGE RILEY: Mr. Walker, did you have anything
2 further for the witness?

3 MR. WALKER: No. No. I notified them my service
4 was connected. I contacted the Illinois Commerce
5 Commission.

6 JUDGE RILEY: No, I understand that. Do you have
7 any questions?

8 MR. WALKER: No further questions, sir.

9 JUDGE RILEY: Then that will complete the
10 cross-examination for now of Peoples Gas' witness,
11 and, counsel, you wanted to recall Mr. Walker?

12 MS. ZIAJA: Yes.

13 JUDGE RILEY: Mr. Walker, you are still under
14 oath.

15 DAVID J. WALKER,
16 called as a witness herein, having been previously
17 duly sworn, resumed the stand and testified further
18 as follows:

19 CROSS EXAMINATION

20 BY

21 MS. ZIAJA:

22 Q. Mr. Walker, was there ever a time period

1 between January 2001 to the present time when you
2 did not live at 5701 South Wolcott?

3 A. These services -- I have been there from
4 that period of time to the present moment.

5 Q. Was your service terminated by Peoples Gas
6 in November of 2001?

7 A. Yes. Because I had been notified that the
8 service was terminated, I was in the process of
9 actively talking with the Illinois Commerce
10 Commission.

11 Q. Mr. Walker, it's a yes or no question. Your
12 service was terminated in --

13 A. In November of 2001, yes, it was terminated.
14 Yes.

15 MS. ZIAJA: I have no further questions.

16 EXAMINATION

17 BY

18 JUDGE RILEY:

19 Q. The only question that I would have,
20 Mr. Walker, do you have any idea how the service was
21 restored to 5701?

22 A. The service was restored because I called

1 back in. I called in to the Peoples Gas Energy
2 after I talked with the LIHEAP and have them
3 reinstate the service.

4 Q. Who is LIHEAP?

5 A. LIHEAP is a program for -- an energy
6 efficient program that says for community assistance
7 that help pay Peoples' utility bills when they
8 cannot turn the service back on. That's what that
9 program is.

10 Q. Now you contacted LIHEAP?

11 A. Yes, I did.

12 Q. And were you actually granted a sum of money
13 to help pay the bill?

14 A. Yes. They paid so much money to turn the
15 service back on and that way continue the services
16 on the budget.

17 Q. Who came out to actually turn the flow of
18 gas back on to your unit?

19 A. Yes. Peoples Gas Energy service.

20 Q. That's your testimony -- Mr. Walker, it's
21 your testimony that Peoples Gas came out and
22 turned --

1 A. He presented Peoples Gas Energy ID. He went
2 downstairs with the equipment he had, released the
3 meter, hooked the meter back up, and turned it back
4 on, and then he made a phone call to the unit to
5 home base and let them know the service had been
6 turned on.

7 Q. Okay. Based on --

8 A. That's the procedure they normally take when
9 they come by --

10 Q. You said he reconnected the meter?

11 A. -- connect the meter, call home base, and
12 turn the service back on, sir. See, he can't turn
13 the gas on right away, sir, until he calls in and
14 reports that.

15 Q. He reconnected the meter then?

16 A. Yes. A lot of times when I let them in, the
17 times I've experienced a cutoff, sir, they
18 disconnect the meter. They disconnect the meter.
19 They turn it from the outside, turn the whole unit
20 off. What he did when he went back downstairs
21 second visit, he reinstated the service because I
22 had called and notified Peoples Gas/Peoples Energy

1 of the situation. Also, I was talking to Illinois
2 Commerce Commission on the activity of that -- of
3 the business, and I also filed with a grant with the
4 LIHEAP program, with the CEDA.

5 Q. Do you know what LIHEAP ---

6 A. LIHEAP.

7 Q. What does that mean?

8 A. LIHEAP is something like a system. It's
9 like an energy assistance program where people go
10 fill out an application. They're granted money.
11 What I mean by granted money, given money to help
12 them pay so much on their bill.

13 Q. I just wondered what LIHEAP means.

14 MS. ZIAJA: LIHEAP is a Low Income Housing Energy
15 Assistance program. It's administered by the state.

16 JUDGE RILEY: Q. Now how is it related? Is it
17 related to CEDA, C-E-D-A?

18 A. That's the same thing. That is CEDA.

19 Q. Okay. So LIHEAP is CEDA?

20 A. That is CEDA.

21 Q. It was a CEDA grant?

22 A. LIHEAP program is another name that is

1 described with where Peoples Gas Energy advertise on
2 what you call in service. You hear the options.

3 That's what they say LIHEAP, which is CEDA --

4 Q. You say that Peoples Gas --

5 A. -- that's acceptable to them to pay on the
6 bill.

7 Q. You say Peoples Gas reconnected the meter.
8 Do you remember what date that was approximately?

9 A. No. No, sir. I cannot remember the exact
10 date. All I have is a grant, sir. All I did was
11 talk with Peoples Gas and Peoples Energy to
12 reinstate the service. Along with the process of me
13 talking with Peoples Gas Energy, the Illinois
14 Commerce Commission, I kept talking with them on the
15 activity of the business what had happened and,
16 therefore, they brought forth that submitted with
17 this affidavit complaint form to show for the bills
18 for overcharges. This is saying that services in
19 that period of time, sir, was accumulated. Now how
20 much did they accumulate, I don't pay that much.

21 Q. This is all getting irrelevant. Now I'm
22 asking you what date were these people out, and you

1 can't remember when?

2 A. No.

3 JUDGE RILEY: Counsel, do you have anything
4 further?

5 MS. ZIAJA: I have nothing further on
6 cross-examination.

7 JUDGE RILEY: Would you want to call your
8 witness?

9 MS. ZIAJA: I would.

10 JUDGE RILEY: Please do so.

11 WILLIAM MEDELLIN,
12 called as a witness herein, having been previously
13 duly sworn, resumed the stand and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY

17 MS. ZIAJA:

18 Q. On what date did a LIHEAP payment come for
19 Mr. Walker?

20 A. We received a LIHEAP grant, a general grant,
21 not an emergency grant, and the grant for 349 on
22 November 21 of 2001.

1 Q. How much was his balance owed at this point?

2 A. Prior to that, the balance was a thousand
3 and two. After receiving the payment, the balance
4 was 73307.

5 Q. Was that sufficient to have gas established?

6 A. No, because of the fact -- that's why I
7 mentioned whenever there is disconnection -- LIHEAP
8 has two different types of assistance. One is a
9 general grant given is 349. When your gas is off,
10 that's where the emergency -- extra emergency grant
11 covers the rest of the portion in order to have your
12 gas turned on.

13 Q. Mr. Walker, did not receive any payments
14 from LIHEAP or CEDA that would have
15 re-established -- that have brought the account
16 balance current so that gas could have been
17 re-established for him?

18 A. That is correct.

19 Q. Now those bills that Mr. Walker had
20 previously submitted, that didn't have any gas usage
21 reflected on it. If his gas had been turned on
22 during the period of those bills, would there have

1 been gas usage reflected on the invoices that were
2 being sent to him?

3 A. Yes, those bills would show actual usage on
4 a monthly basis; however, these bills did not show
5 any usage on them.

6 Q. And so the billing date that was established
7 for the period when we attempted to reconcile the
8 unauthorized usage that had been occurring, you
9 simply went back from the billing date of November
10 when he was terminated and then basically just
11 issued another bill in December to catch up?

12 A. Right. Right.

13 MS. ZIAJA: I have nothing further.

14 EXAMINATION

15 BY

16 JUDGE RILEY:

17 Q. The bills that you're referring to that
18 don't have any usage shown are the ones from January
19 3, 2002 --

20 A. Yes.

21 Q. -- through approximately June 3rd of 2002?

22 A. Yes.

1 Q. And it's all for that 4101 account?

2 A. Uh-huh.

3 Q. I guess what my question would be then if
4 there was no usage, how was Peoples able to go back
5 to December 1 and bill him for usage if these bills
6 don't show anything?

7 A. Yes. When we disconnected the service on
8 his final account, which are the bills from January
9 to May, we issue a bill of what the balance was
10 remaining at the time, so those are bills that he
11 was paying, but as they show there's no usage, so
12 once we went back and found out that he was the
13 actual tenant for that first floor front apartment,
14 we went back to the readings that were taken from
15 December 1st of 2002 and until the most present
16 reading, which was in January or July 29th of 2002.

17 Q. So would I be correct in saying there was
18 kind of a lag between the times these bills were
19 sent out from the time Peoples actually went back
20 and took those readings and said this bill should
21 have had actual readings on them?

22 A. Right.

1

2

DAVID J. WALKER,

3 called as a witness, having been previously duly

4 sworn, was examined and testified further as

5 follows:

6

EXAMINATION

7

BY

8

JUDGE RILEY:

9 Q. Okay. All right. The only other question

10 that I would have going back to you, Mr. Walker, is

11 it still your testimony someone from Peoples Gas

12 came out and reconnected your meter --

13 A. Yes.

14 Q. -- to restore your gas service?

15 A. Yes. After I contacted the -- I had to wait

16 a period of days, sir, not right away. There was a

17 period of days I contacted Peoples Gas and then find

18 out what the history was, and that the reason for

19 the disconnect, especially when he was in active

20 talks with the Commerce Commission, and I filed a

21 LIHEAP program, but the person did come back out and

22 reinstate the service, sir.

1 Q. Do you recall or have any independent
2 recollection of anyone coming out on November 19th
3 of 2001 and disconnecting your gas flow on the
4 outside?

5 A. I was out.

6 Q. Then you don't -- you didn't see it?

7 A. I didn't see it. I was out. I was out.

8 JUDGE RILEY: That is everything that I have.
9 Counsel, did you have anything further for either
10 witness?

11 WILLIAM MEDELLIN,
12 called as a witness herein, having been previously
13 duly sworn, resumed the stand further and testified
14 as follows:

15 DIRECT EXAMINATION

16 BY

17 MS. ZIAJA:

18 Q. I would simply ask William is there any
19 indication on any records that you have had that we
20 went and turned the meter back on for Mr. Walker?

21 A. There is no record of us turning on his
22 service at this address, no.

1 Q. So the only records we have is that notice
2 of termination which occurred at the B Box?

3 A. Yes.

4 Q. And Mr. Walker admitted that he lived at
5 5701 South Wolcott and was responsible for occupant
6 billing?

7 A. And that is why we created the billing and
8 billed him, yes.

9 JUDGE RILEY: Mr. Walker, did you have anything
10 further for this witness?

11 MR. WALKER: No. No, sir. The other billing
12 that's a substitute bill, sir.

13 JUDGE RILEY: Then, counsel, that completes your
14 case in chief?

15 MS. ZIAJA: Yes.

16 JUDGE RILEY: Well, I have all of the evidence.
17 We have asked just about every question that can be
18 asked I think. Did the parties want to submit
19 closing briefs or make closing statements?

20 MS. ZIAJA: I'll make a closing statement.

21 JUDGE RILEY: All right. Actually it would be up
22 to Mr. Walker to proceed first.

1 MS. ZIAJA: Okay.

2 JUDGE RILEY: Mr. Walker, I'm going to leave it
3 up to you. You want to submit a closing brief, a
4 written summation of your case?

5 MR. WALKER: Well --

6 JUDGE RILEY: Did you want to make a closing
7 statement? You are entitled to do either.

8 CLOSING STATEMENT

9 BY

10 MR. WALKER:

11 Well, sir, my purpose here was to show
12 forth that I have services on the time, that I paid
13 on time, and that it was an overcharge on services
14 and at a period of time, especially during the time
15 they changed the account number, the different
16 account when he said they had occupant, they do not
17 show no occupant there.

18 All right. After I talked with Peoples
19 Gas/ Peoples Energy at all times -- each time I have
20 a monthly service bill during the present time where
21 misinformation shows a record -- show for here that
22 he has accurate records here, but every phone call

1 who was taking care of phone calls when I called in,
2 because I was calling Peoples Gas/Peoples Energy,
3 who was I calling when I -- when I reinstated the
4 service? That's who I contacted, Peoples Gas
5 Energy, sir. That's it, sir. That's it.

6 JUDGE RILEY: That's it?

7 MR. WALKER: Yes. I would like to have an
8 adjustment for my purposes for adjustment.

9 JUDGE RILEY: Now I'll submit a -- well, I'll get
10 back to that in a second.

11 Counsel, did you want to make a closing
12 remark?

13 CLOSING ARGUMENT

14 BY

15 MS. ZIAJA:

16 This is a very simple case, your Honor.
17 This is a situation where Mr. Walker's gas was
18 terminated in November 2001. He was not satisfying
19 the requirements of the budget plan that was set for
20 him. He wasn't meeting the requirements of the
21 payments and the gas was terminated as a result.

22 Shortly thereafter, gas started to be

1 used. Peoples Gas wasn't able to determine who was
2 using it initially, sent out occupant usage to
3 determine who, in fact, had accrued the gas service
4 and Mr. Walker called and admitted that he was
5 responsible for the payment of the gas.

6 As a result, he was issued a balloon
7 bill for all of the gas that had accrued since
8 December 2001 through July 29, 2002. He's gotten
9 that bill. He's made minimal, minimal payments on
10 it, and that's why we have an outstanding balance.

11 The shifting of account numbers has
12 absolutely no basis after an account -- as
13 Mr. Medellin has testified, after an account is
14 inactive for a certain period of time, the account
15 closes out, and then you have to re-establish a new
16 account, get all the charges on, do a new bill.
17 That's exactly what happened here.

18 If Mr. Walker had been making payments
19 of \$80 and \$50, he wouldn't be in a situation now
20 where he doesn't understand why he owes \$3,000, very
21 simple, unauthorized usage. He got charged for it.
22 He never paid it down, and that's why we are here

1 today.

2 JUDGE GILBERT: All right. The procedure from
3 this point, is for me to prepare a comprehensive
4 summary of the evidence, and what I will do is send
5 each party a copy of an Administrative Law Judge's
6 proposed order. Anything that is in that order that
7 the parties think is incorrect or that you would
8 take issue with under any circumstances, you would
9 file exceptions specifically stating I disagree with
10 what you have said in here. If it's mistakes in the
11 summary or if it's you think an unjust, or unfair,
12 or erroneous conclusion that I have drawn, write
13 out, just as you have prepared complaints, but write
14 out what you think your exceptions to what I have
15 written would be, submit them to the office of our
16 chief clerk, the same place where you filed the
17 original complaint.

18 Once I have those exceptions, if any, I
19 will prepare a final order, and I'll submit that to
20 the Commission for final determination. That's
21 where we are right now. Thank you very much.

22 MS. ZIAJA: Correct.

1 MR. WALKER: Correct, your Honor.

2 JUDGE RILEY: Direct the court reporter to mark
3 this record heard and taken.

4 (Off the record.)

5 Let's reopen the record.

6 Counsel, we have the matter of
7 exhibits. I'm sorry.

8 MS. ZIAJA: Yes.

9 JUDGE RILEY: You have -- let me deal with
10 Mr. Walker first.

11 Mr. Walker, you have submitted copies
12 of bills from Peoples Gas dated beginning January 3,
13 2002, all the way to December 31, 2003.

14 As I had indicated earlier, rather than
15 mark 25 separate exhibits approximately, what I
16 would like to do is mark this as Complainant's Group
17 Exhibit 1, and I take it that you are moving for
18 admission of these into evidence for my
19 consideration --

20 MR. WALKER: Yes.

21 JUDGE RILEY: -- in preparation of the order.

22 Counsel, what is the response of

1 Peoples?

2 MS. ZIAJA: I have no objection to those, and if
3 it would be easier for your Honor, I have copies
4 that are already labeled exhibits if you like to
5 take those instead of having to make copies.
6 Mr. Walker can certainly verify they're the same
7 bills.

8 JUDGE RILEY: These are the exact same things?

9 MS. ZIAJA: They are the exact same bills. I
10 only have copies that were issued from August 28,
11 2002, so there might be a couple that you have to
12 make there, but these actually go all the way
13 through every bill he's received through last week's
14 bill, so that might save a little bit of a step for
15 everybody.

16 JUDGE RILEY: Fine.

17 MR. WALKER: The same thing I sent you was these
18 bills right there.

19 MS. ZIAJA: Right.

20 JUDGE RILEY: So everything that's in here, let's
21 see. That's the thing. It starts August 28, 2002,
22 so I've got to make the first -- about the first

1 half of 2002, and, as a matter of fact, I have got
2 some bills from 2004. You didn't move for admission
3 of any stuff into evidence, did you?

4 MS. ZIAJA: No, but if Mr. Walker has no
5 objection if you want a current record of everything
6 he's billed up to the present date.

7 JUDGE RILEY: Okay. All right. Well,
8 Complainant's Group Exhibit 1 is admitted into
9 evidence.

10 Mr. Walker, what it amounts to the
11 copies that you gave me only go up to December 31,
12 2003 and counsel has included copies for just about
13 all of 2004.

14 MR. WALKER: That's what I submitted. That's
15 what was requested.

16 JUDGE RILEY: Did you have the original of these?

17 MR. WALKER: I did have copies with me.

18 JUDGE RILEY: Did you want to move --

19 MR. WALKER: Those are correct that I submitted
20 here all those, correct.

21 JUDGE RILEY: I'm not saying they're not correct.
22 Did you want to admit them into evidence?

1 MR. WALKER: Yes.

2 JUDGE RILEY: That's --

3 MS. ZAIJA: That's fine.

4 JUDGE RILEY: Okay. I'm going to include these
5 as part of Complainant's Group Exhibit 1.

6 MS. ZIAJA: Sure.

7 JUDGE RILEY: And no objection?

8 MS. ZIAJA: No objection.

9 JUDGE RILEY: All right. Then they are admitted.
10 (Whereupon, Complainant's
11 Group Exhibit 1 was
12 received in evidence.)

13 And I'll decide in just a second who
14 gets copies. You have got Peoples Gas 1 through 6
15 that you have identified.

16 MS. ZIAJA: Yes.

17 JUDGE RILEY: Mr. Walker, are you moving for
18 admission of these into evidence?

19 MR. WALKER: Yes, I'm moving.

20 JUDGE RILEY: I'm sorry?

21 MR. ZIAJA: I'm moving, yes.

22 JUDGE RILEY: I'm sorry. Mr. Walker, do you

1 object to any of these six exhibits being admitted
2 into evidence? Do you have copies in front of you?

3 MR. WALKER: They just have no copy of when I
4 contacted -- when I reinstated the service, first
5 when I contacted the person. I have no objection to
6 that.

7 JUDGE RILEY: All right. Then there being no
8 objection, I will --

9 MR. WALKER: I don't have any type of records,
10 you know, how the different departments that I
11 called have their own set of records and they -- the
12 department that he brings forth have their own set
13 of records like I'm saying.

14 JUDGE RILEY: Then Peoples Gas Exhibit 1 through
15 6 are admitted into evidence.

16 (Whereupon, Respondent's
17 Exhibit Nos. 1 thru 6
18 were received in
19 evidence.)

20 Let me -- I have got to make an extra
21 copy of these and then I'm through.

22 MS. ZIAJA: I have extra copies of those.

1 JUDGE RILEY: I'm sorry.

2 MS. ZIAJA: I have an extra copy.

3 JUDGE RILEY: Oh, okay. Then all I'm going to

4 do is --

5 MS. ZIAJA: Are you looking for an extra copy of

6 the 2004 bills?

7 JUDGE RILEY: Yeah. All right. I'll give him

8 all of these. Thank you very much, Mr. Walker.

9 These are ours, and if you hold on, I've got to just

10 make copies of the January 2002 bills for you.

11 MS. ZIAJA: Did you want to give Mr. Walker all

12 of these bills?

13 MR. WALKER: I have those right there. I have

14 all of these here.

15 JUDGE RILEY: You already see --

16 MS. ZIAJA: You have your copies.

17 JUDGE RILEY: I'll keep the extra copies. Do you

18 have a copy of these 2002 bills, Mr. Walker?

19 Because these are the ones I'm going to have to keep

20 for consideration for the -- in preparation of the

21 order. You begin with August 28, 2002, is that

22 correct, that billing date?

1 MR. WALKER: Uh-huh.

2 JUDGE RILEY: You have got about seven months

3 prior to that. Do you have copies of those? Let

4 me make --

5 MR. WALKER: You want these copies for yourself?

6 JUDGE RILEY: No. No, those are all yours.

7 MR. WALKER: All mine?

8 JUDGE RILEY: I just gave those to you.

9 MR. WALKER: If you gave me from 8- --

10 JUDGE RILEY: No. I already have copies of

11 these. I have the original of these.

12 MR. WALKER: Okay.

13 JUDGE RILEY: What I'm saying that the bills

14 prior to -- that these bills prior to August 28th,

15 do you have copies of those?

16 MR. WALKER: Yes. Yes.

17 JUDGE RILEY: You sure?

18 MR. WALKER: No.

19 JUDGE RILEY: These are the originals. I'm going

20 to have to make copies of these. Is there anything

21 further?

22 MS. ZIAJA: Nothing further.

1 JUDGE RILEY: Then I'm going to direct the court
2 reporter to mark this matter heard and taken.

3 (Whereupon, the above
4 matter was adjourned.)

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